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GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER LAM, VINH TANG	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/561,653

Applicant(s)

SIMPSON ET AL.

Examiner

VINH LAM

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) 2-4 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 5-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims **1, 5-8, and 10-28** are rejected under 35 U.S.C. 102(e) as being anticipated by **Longe et al. (PGPub. No. 2004/0070567 having Provisional Application No. 60/461735 filed Apr. 09, 2003)**.

Regarding Claim **1**, (Currently Amended) **Longe et al.** teach a text symbol entry system, comprising:

a display ([0037], FIG. 2, i.e. 120) visually divided into a plurality of at least two functional areas ([0045], FIG. 2, i.e. 130, 220, & 224) including:

a first functional area for displaying selected characters ([0045], FIG. 2, i.e. 220);

second functional area for displaying candidate characters corresponding to a second aspect of entering text symbols ([0045], [0046], FIG. 2, i.e. 224); and

a third functional area ([0037], FIG. 2, i.e. 130) for displaying at least a first stroke category and a second stroke category ([0037]-[0044], FIGS. 2 & 3);

an indicator system operable by one human digit ([0032], FIG. 1, i.e. 110), the indicator system having at least four outer keys arranged in four substantially-equidistant positions ([0032], [0039], FIGs. 4A & 4B, i.e. 4-way directional; "A", "H", "N", & "U") around at an inner, central key ([0032], [0039], FIGs. 4A & 4B, i.e. (z-axis) to provide an additional button);

a processor ([0028], FIG. 1, i.e. 140) responsive to said indicator system being positioned in one of said four substantially-equidistant positions ([0028], FIG. 1, i.e. inherently responds to motion, direction, and selection of the indicator and others functions), whereby the indicator system is used to select between candidate characters in the second functional area ([0033]-[0039], FIG. 4B) and to select between said first stroke category and said second stroke category in the third functional area ([0035]-[0039], FIGs. 2, 3, & 5);

a program ([0028], FIG. 1, i.e. 148) controlling the processor so that characters are entered for display in the first functional area in response to a user ([0026], FIG. 2):

indicating at least one desired stroke category from among the first stroke category and the second stroke category ([0044]-[0046], FIG. 5, i.e. numeral or alphabetical characters) by moving the indicator system into the first position selected from among said four substantially-equidistant positions (FIG. 5) or second position selected from among said four substantially-equidistant positions (FIG. 4B) thereby causing the program to display at least two candidate characters in the second functional area, wherein said at least two candidate characters are formed, at least in part ([0045], FIG.

2, i.e. **"home"** and **"good"**), by a stroke represented by the desired stroke category **([0037]-[0044], FIGs. 2 & 3, i.e. 130)**; and

indicating which of the at least two candidate characters the user wants displayed in said first functional area **([0026], [0046], FIG. 2, e.g. "home" is selected and moved to area 220)** by pressing said inner, central key **([0032], [0039], FIGs. 4A & 4B, i.e. (z-axis) to provide an additional button which is inherently a select button).**

Regarding Claim **5**, (Currently Amended) **Longe et al.** teach the text symbol entry system of claim 1, wherein the text symbol entry system has a first mode and a second mode, wherein;

when the text entry system is in the first mode, at least one outer key has a textual meaning associated with it **([0039], FIG. 4B)**, and

when the text entry system in the second mode, at least one additional key has a different meaning associated with it **([0034])**.

Regarding Claim **6**, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 5, wherein the different meaning is a different textual meaning **([0034], i.e. "choice of suffixes")**.

Regarding Claim **7**, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 5, wherein the different meaning is not a textual meaning **([0034], i.e. "scrolls")**.

Regarding Claim **8**, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 7, wherein the different meaning is a navigational meaning **([0034], i.e. "scrolls")**.

Regarding Claim **10**, (Currently Amended) **Longe et al.** teach the text symbol entry system of claim 5, wherein when the text symbol entry system is in the first mode, the at least one outer key is used to select a first category of text symbol and the at least one additional key is used to select a second category of text symbol ([0045], FIG. 5).

Regarding Claim **11**, (Currently Amended) **Longe et al.** teach the text symbol entry system of claim 1, wherein the at least one outer key is used to select a first category of text symbol and the at least one additional key is used to select a second category of text symbol ([0045], FIG. 5).

Regarding Claim **12**, (Currently Amended) **Longe et al.** teach the text symbol entry system of claim 11, wherein the at least one outer key is used to select a first category of text symbol and the at least one additional key is used to select a second category of text symbol, wherein the first category of text symbol includes symbols having a first feature and the second category of text symbol includes symbols having a second feature ([0045], FIG. 5).

Regarding Claim **13**, (Previously Presented) **Longe et al.** teach the text symbol entry system of claim 12, wherein a symbol having both the first feature and the second feature is included in both the first category and the second category ([0045], FIG. 5).

Regarding Claim **14**, (Currently Amended) **Longe et al.** teach the text symbol entry system of claim 1, wherein the indicator system includes a position

indicator and selection of one of the additionally keys are accomplished by detecting a position of the position indicator ([0031]).

Regarding Claims 15 and 22, (Currently Amended) **Longe et al.** teach a method of entering text symbols, comprising:

providing a display ([0037], FIG. 2, i.e. 120) [divided into (Claim 22)] [having (Claim 15)] a plurality of functional areas ([0045], FIG. 2, i.e. 130, 220, & 224) wherein a first functional area displays candidate text symbols ([0045], [0046], FIG. 2, i.e. 224) [which comprise completed text symbols that have strokes associated with first and second stroke categories ([0045], [0046], FIG. 2, i.e. "home" or 224 having "h", "o", "m", and "e" of 130) (Claim 22)] and a second functional area displays selected text symbols ([0045], FIG. 2, i.e. 220) [, and the display further comprises stroke display area ([0037], FIG. 2, i.e. 130) for displaying symbols identifiable by four outer keys arranged in four substantially-equidistant positions ([0032], [0039], FIGs. 4A & 4B, i.e. 4-way directional; "A", "H", "N", & "U") around at an inner, central key ([0032], [0039], FIGs. 4A & 4B, i.e. (z-axis) to provide an additional button) (Claim 22)] and a third functional area ([0037], FIG. 2, i.e. 130) [displays (Claim 15)] [for displaying (Claim 22)] at least one stroke category and a second stroke category ([0037]-[0044], FIGs. 2 & 3);

providing an indicator system operable by [one human digit ([0032], FIG. 1, i.e. 110) (Claim 15)] [a human eye ([0031], FIG. 1 (Claim 22))] , the indicator system having four outer keys arranged in four substantially-equidistant positions ([0032], [0039], FIGs. 4A & 4B, i.e. 4-way directional; "A", "H", "N", & "U") around at an inner, central key ([0032], [0039], FIGs. 4A & 4B, i.e. (z-axis) to provide an additional button);

providing a processor ([0028], FIG. 1, i.e. 140) operably connected to the indicator system ([0028], FIG. 1);

activating the at least one outer key to indicate at least one desired stroke category from among the first stroke category and the second stroke category ([0044]-[0046], FIG. 5, i.e. numeral or alphabetical characters) by moving the indicator system into the at least one outer key or at least one additional key (FIG. 4B), thereby causing the program to display at least two candidate characters in the second functional area, wherein said at least two candidate characters are formed, at least in part, ([0045], FIG. 2, i.e. "home" and "good"), by a stroke represented by the desired stroke category ([0037]-[0044], FIGS. 2 & 3, i.e. 130); and

indicating which of the at least two candidate characters the user wants displayed in said first functional area ([0026], [0046], FIG. 2, e.g. "home" is selected and moved to area 220).

Regarding Claims 16 and 23, (Previously Presented and Original) **Longe et al.** teach the method of claims 15 and 22 respectively, further comprising displaying a representative symbol, the representative symbol corresponding to the first stroke category ([0035]).

Regarding Claims 17 and 24, (Previously Presented) **Longe et al.** teach the method of claim 15 and 22 respectively, further comprising displaying in the first functional area [a text symbol (Claim 22)] [text (Claim 17)] having one of the symbols corresponding to the first [stroke (Claim 17)] category ([0035]).

Regarding Claims **18** and **25**, (Currently Amended) **Longe et al.** teach the method of claims 17 and 24 respectively, further comprising:

activating the at least one additional key to indicate to the processor selection of a second stroke category of text symbol to be entered, the second [stroke (Claim 18)] category including symbols used to create [a plurality of (Claim 25)] text [symbols (Claim 25)] ([0045], FIG. 5); and

displaying in the first functional area [a (Claim 25)] text [symbol (Claim 25)] having one of the symbols corresponding to the first [stroke (Claim 18)] category and one of the symbols corresponding to the second [stroke (Claim 18)] category ([0045], FIG. 2, i.e. “home” and “good”).

Regarding Claims **19** and **26**, (Previously Presented) **Longe et al.** teach the method of claims 17 and 24 respectively, further comprising selecting the text symbol displayed in the first functional area ([0026], [0046], FIG. 2, e.g. “home” is selected in 224).

Regarding Claims **20** and **27**, (Previously Presented) **Longe et al.** teach the method of claims 18 and 26 respectively, further comprising displaying the selected text symbol in the second functional area ([0026], [0046], FIG. 2, e.g. “home” is selected and moved to area 220).

Regarding Claims **21** and **28**, (Previously Presented) the method of claim 15 and 22 respectively, further comprising:

displaying in the first functional area a first icon that represents [a (*Claim 28*)] text [symbol (*Claim 28*)] which has one of the symbols corresponding to the first [stroke (*Claim 28*)] category ([**0026**], [**0046**], FIG. 2, e.g. “home” is selected from 130’s “h”); and displaying in the first functional area a second icon that represents part of a text symbol ([**0026**], [**0046**], FIG. 2, e.g. “home” is selected from 130’s “o”), the first icon and the second icon having the same symbols ([**0026**], [**0046**], FIG. 2, e.g. “good” is selected from 130’s “o” twice).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Longe et al.** (PGPub. No. 2004/0070567 having Provisional Application No. 60/461735 filed Apr. 09, 2003).

Regarding Claim 9, (Previously Presented) the text symbol entry system of claim 5, wherein moving from the first mode to the second mode is accomplished by applying a force to said indicator system to the third location which is an obvious Choice of Design since it is well-known in the art that applying different kind of force would have changed the mode of a device. For example, clicking the scroll wheel then dragging the mouse would result in scrolling as rotating the scroll wheel.

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Longe et al. (PGPub. No. 2004/0070567 having Provisional Application No. 60/461735 filed Apr. 09, 2003)** in view of **King et al. (US Patent No. 6307549)** and further in view of **Su et al. (US Patent No. 7013258)**.

Regarding Claim 29, (New) **Longe et al.** teach a text symbol entry system, comprising:

a display ([0037], FIG. 2, i.e. 120) visually divided into a plurality of functional areas ([0045], FIG. 2, i.e. 130, 220, & 224) including:

a virtual representation of an indicator system ([0037], FIG. 2, i.e. joystick);

a first functional area for displaying selected characters ([0045], FIG. 2, i.e. 220);

a second functional area for displaying candidate characters ([0045], [0046], FIG. 2, i.e. 224); and

a third functional area ([0037], FIG. 2, i.e. 130) for displaying at least a first stroke category and a second stroke category ([0037]-[0044], FIGs. 2 & 3);

wherein said virtual representation of an indicator system is operable by tracking a user's eye movement ([0031], FIG. 1), the virtual representation of an indicator system having at least four outer keys arranged in four substantially-equidistant positions ([0032], [0039], FIGs. 4A & 4B, i.e. 4-way directional; "A", "H", "N", & "U") around an inner, central key ([0032], [0039], FIGs. 4A & 4B, i.e. (z-axis) to provide an additional button);

a processor ([0028], FIG. 1, i.e. 140) responsive to said indicator system being positioned in one of said four substantially-equidistant positions ([0044]-[0046], FIG. 5, i.e. numeral or alphabetical characters), whereby the indicator system is used to select between candidate characters in the second functional area ([0045], FIG. 2, i.e. 220) and to select between said first stroke category and said second stroke category ([0037]-[0044], FIGs. 2 & 3) in the third functional area ([0037], FIG. 2, i.e. 130).

However, **Longe et al.** do not explicitly teach eye movement tracking program wherein specific user's eye movements and actions to select and confirm strokes and characters in the function areas.

In the same field of endeavor, **King et al.** teach

an eye movement tracking program (Col. 24, Ln. 16-35) controlling the processor so that characters are entered for display in the first functional area (Col. 23, Ln. 27-36, FIG. 8E, i.e. 88) in response to a user:

indicating at least one desired stroke category (Col. 24, Ln. 16-35, FIG. 9, i.e. D of AD56FX Key) from among the first stroke category (Col. 24, Ln. 16-35, FIG. 9, i.e. AD56FX) and the second stroke category (Col. 24, Ln. 16-35, FIG. 9, i.e. CJ2LO) by moving said user's eye (Col. 24, Ln. 16-35, FIG. 9, i.e. "movement of the eye as detected by an eye-tracking device") into the first position selected (Col. 24, Ln. 16-35, FIG. 9, i.e. D of AD56FX Key) from among said four substantially-equidistant positions or second position selected from among said four substantially-equidistant positions (Col. 24, Ln. 16-35, FIG. 9, i.e. "three or as many as twenty" also "seven keys ... and ... 'select' key"), thereby causing the program to display at least two candidate characters

(Col. 23, Ln. 27-36, FIG. 8F, i.e. "Done" and "Doze") in the second functional area (Col. 23, Ln. 27-36, FIG. 8F, i.e. 76), wherein said at least two candidate characters are formed (Col. 23, Ln. 27-36, FIG. 8E, i.e. "Do"), at least in part, by a stroke represented by the desired stroke category (Col. 24, Ln. 16-35, FIG. 9, i.e. D of AD56FX Key and O of CJ2LO Key).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **Longe et al.** teaching of a text symbol entry system comprising: a display visually divided into a plurality of functional areas including a virtual representation of an indicator system, wherein said virtual representation of an indicator system is operable by tracking a user's eye movement, and a processor responsive to said indicator system being positioned in one of said four substantially-equidistant positions with **King et al.** teaching of an eye movement tracking program specifically displaying and selecting from plurality of functional areas and positions to provide accurate and fast means for entering texts and symbols of any languages to physically impaired users.

However, **Longe et al.** and **King et al.** teach indicating which of the at least two candidate characters the user wants displayed in said first functional area by blinking.

In the same field of endeavor, **Su et al.** teach indicating which of the at least two candidate characters (Col. 8, Ln. 54-60, FIG. 3, i.e. 205, 210, 215, 220, and 225) the user wants displayed in said first functional area (Col. 8, Ln. 54-60, FIG. 3, i.e. 230) by blinking (Col. 3, Ln. 50-62, i.e. "blink to select").

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **Longe et al.** and **King et al.** teachings of a text symbol entry system comprising: a display visually divided into a plurality of functional areas including a virtual representation of an indicator system, wherein said virtual representation of an indicator system is operable by tracking a user's eye movement, and a processor responsive to said indicator system being positioned in one of said four substantially-equidistant positions, wherein the eye movement tracking program specifically displaying and selecting from plurality of functional areas and positions with **Su et al.** teaching of indicating which of the at least two candidate characters the user wants displayed in said first functional area by blinking to *provide accurate and fast means for entering texts and symbols of complex languages to users.*

Response to Arguments/Amendments/Remarks

4. Claims **2-4** are canceled.
5. Applicant's arguments filed 07/29/2010 have been fully considered but they are not persuasive.

Applicant argues that **Longe et al.** do not describe "an indicator system operable by one human digit, the indicator system having at least four outer keys arranged in four substantially-equidistant positions around at an inner, central key; a processor responsive to said indicator system being positioned in one of said four substantially-equidistant positions, whereby the indicator system is used to select between candidate

characters in the second functional area and to select between said first stroke category and said second stroke category in the third functional area; a program controlling the processor so that characters are entered for display in the first functional area in response to a user: indicating at least one desired stroke category from among the first stroke category and the second stroke category by moving the indicator system into the first position selected from among said four substantially-equidistant positions or second position selected from among said four substantially-equidistant positions, thereby causing the program to display at least two candidate characters in the second functional area, wherein said at least two candidate characters are formed, at least in part, by a stroke represented by the desired stroke category; and indicating which of the at least two candidate characters the user wants displayed in said first functional area by pressing said inner, central key". However, the Examiner respectfully disagrees because **Longe et al.** teach

an indicator system operable by one human digit ([0032], FIG. 1, i.e. 110), the indicator system having at least four outer keys arranged in four substantially-equidistant positions ([0032], [0039], FIGs. 4A & 4B, i.e. 4-way directional; "A", "H", "N", & "U") around at an inner, central key ([0032], [0039], FIGs. 4A & 4B, i.e. (z-axis) to provide an additional button);

a processor ([0028], FIG. 1, i.e. 140) responsive to said indicator system being positioned in one of said four substantially-equidistant positions ([0028], FIG. 1, i.e. inherently responds to motion, direction, and selection of the indicator and others functions), whereby the indicator system is used to select between candidate characters

in the second functional area ([0033]-[0039], FIG. 4B) and to select between said first stroke category and said second stroke category in the third functional area ([0035]-[0039], FIGs. 2, 3, & 5);

a program ([0028], FIG. 1, i.e. 148) controlling the processor so that characters are entered for display in the first functional area in response to a user ([0026], FIG. 2):

indicating at least one desired stroke category from among the first stroke category and the second stroke category ([0044]-[0046], FIG. 5, i.e. numeral or alphabetical characters) by moving the indicator system into the first position selected from among said four substantially-equidistant positions (FIG. 5) or second position selected from among said four substantially-equidistant positions (FIG. 4B) thereby causing the program to display at least two candidate characters in the second functional area, wherein said at least two candidate characters are formed, at least in part ([0045], FIG. 2, i.e. "home" and "good"), by a stroke represented by the desired stroke category ([0037]-[0044], FIGs. 2 & 3, i.e. 130); and

indicating which of the at least two candidate characters the user wants displayed in said first functional area ([0026], [0046], FIG. 2, e.g. "home" is selected and moved to area 220) by pressing said inner, central key ([0032], [0039], FIGs. 4A & 4B, i.e. (z-axis) to provide an additional button which is inherently a select button).

Conclusion

The prior art(s) made of record and not relied upon (is)/are considered pertinent to applicant's disclosure: MILLINGTON, JEFFREY ALAN (PGPub. No. US 20020067335 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Vinh T Lam/
Examiner, Art Unit 2629

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629